

Notice of Allowability

Application No.

09/689,035

Applicant(s)

TUNNEY ET AL.

Examiner

Gentle E. Winter

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 October 2003.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 12 October 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>10/27/03</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Double Patenting—Terminal Disclaimer Approved

1. Claims 1 and 11 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 as it depends from claim 1 of U.S. Patent No. 6,443,166, and claims 1 and 11 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/689150. Applicant has overcome the rejections by filing the approved terminal disclaimers and remarks of paper 102703.

Information Disclosure Statement

2. The information disclosure statement filed with paper 102703 has been considered.

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance of claim 1-20. The claim numbering is the same as that provided by applicant(s):

3. The closest prior art relies on pumps, and valves as mechanical means for controlling cleaning fluid (heated nitrogen) flow. The amended independent claims, claim a system that is meaningfully simpler than that of the combination of Bombard and Rudat. Additionally, the presently claimed invention contemplates a batch type method; see e.g. the "injecting" step and the "repeating" step. Bombard apparently discloses a continuously circulating system that does not include the claimed "batch type" system. The current system, at least potentially, allows for complete saturation of the heated nitrogen before the heated nitrogen is sent to the flare. It is

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also noted that the current system, with its lack of mechanical means in matters related to heated nitrogen injection and the venting of the anhydrous ammonia/nitrogen mixture to the flare, seemingly allows for simple and robust cleaning system.

4. It is noted, that the prior art of record is silent with respect to claimed aggregation each and every element of the instantly claimed invention. However, the aggregate parts are disclosed. Specifically, the concept of using a tank to supply gas to a system for cleaning or drying is well known in the art, such systems generally rely on a plurality of valves see for instance United States Patent No. 5,850,853 disclosing a that a compressor, a pressurized air storage tank, a nitrogen gas cylinder, a hydraulic pump, or other sources may be used as the fluid supply source. This reference is provided to *inter alia* show that pressurized nitrogen may be from a plurality of sources including a tank or a pump. Further, as indicated, the prior art of record discloses the interchangeability of flares and condensers as well as the motivation for selecting one system over another. However, none of these systems disclose the combination of a batch type process that is carried out without mechanical means. As such, the present invention is considered patentable because the present invention provides a material simplification over the cleaning methods of prior art of record.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 1-20 are allowable for the above indicated reasons.

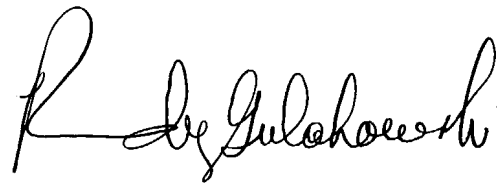
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gentle E. Winter whose telephone number is (703) 305-3403. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (703) 308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. The direct fax number for this examiner is (703) 746-7746.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Gentle E. Winter
Examiner
Art Unit 1746

February 13, 2004

A handwritten signature in black ink, appearing to read "Randy Gulakowski". The signature is stylized with a large initial "R" and a cursive script for the rest of the name.

RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700